

E-Filed 6/21/11

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HAROLD BLACK,

No. C 08-1344 RS

Plaintiff,

ORDER RE: MOTIONS IN LIMINE

v.

PATRICK R. DONAHOE, Postmaster
General,

Defendant.

The Postal Service's motions in limine are resolved as follows:

1. Motion to exclude witness testimony and documentary evidence regarding non-probationary Postal Service employees.

Insofar as defendant seeks to exclude testimony of Rebecca Wong, the motion is granted.

Because Wong was, unlike Black, not a probationary employee, her testimony's probative value is limited and risks confusing the jury. To the extent the motion seeks to prevent plaintiff from examining other witnesses, or introducing other documentary evidence, relating to the Postal Service's *discretion* to terminate different classes of employees, the motion is denied.

2. Motion to limit plaintiff's evidence regarding an adverse employment action to his

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1 separation from employment with the Petaluma Post Office.

2 At the hearing on defendant's motions in limine, the parties agreed that Black intends to rely
3 on his separation from the Petaluma Post Office as his requisite "adverse employment action," and
4 that defendant does not object to background facts being introduced regarding the circumstances at
5 the Bolinas Post Office which led to the filing of plaintiff's EEO complaint. Accordingly, the
6 motion is granted.

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8 IT IS SO ORDERED.

9 Dated: 6/21/11

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11 RICHARD SEEBORG
12 UNITED STATES DISTRICT JUDGE
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